SENATE BILL 869

By: Senators Washington, Hayes, McCray, and Sydnor
Introduced and read first time: February 7, 2022
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning
Baltimore City – Small Box Discount Stores – Zoning Requirements and Community Agreements

FOR the purpose of requiring the Mayor and City Council of Baltimore City to establish certain requirements and take certain actions with regard to the location of and use of a property as a small box discount store; and generally relating to zoning requirements in Baltimore City.

BY adding to
Article – Land Use
Section 10–306
Annotated Code of Maryland
(2012 Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Land Use

10–306.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DISPERAL REGULATION” MEANS A ZONING REGULATION THAT REQUIRES A MINIMUM DISTANCE BETWEEN QUALIFYING USES, MEASURED IN A STRAIGHT LINE FROM THE NEAREST POINT ON A LOT LINE OF THE PROPERTY OCCUPIED BY ONE QUALIFYING USE TO THE NEAREST POINT ON A LOT LINE OF THE OTHER PROPERTY OCCUPIED BY A QUALIFYING USE.
(3) "Grocery store" has the meaning stated in § 9–254 of the Tax–Property Article.

(4) "Pharmacy" has the meaning stated in § 12–101 of the Health Occupations Article.

(5) (I) "Small box discount store" means a retail store where the majority of the items in the inventory are offered for sale at a price not to exceed $5.

(II) "Small box discount store" does not include:

1. A grocery store;

2. A store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed;

3. A store that offers for sale gasoline, diesel fuel, or on–site electric charging capabilities for vehicles;

4. A retail store where the majority of the products sold are personal hygiene products or cosmetics; or

5. A store that primarily engages in the resale of used consumer goods.

(B) The Mayor and City Council of Baltimore City shall:

(1) Establish a dispersal regulation that provides for a minimum distance between small box discount stores of 1 mile;

(2) Establish the development of a small box discount store as a conditional use dependent on whether the proposed small box discount store is likely to have a detrimental impact on:

(I) existing local retail and grocery stores; and

(II) the development of grocery stores and other stores offering healthy food options;

(3) Implement, as part of the approval of a zoning permit application for a small box discount store, a requirement that the applicant, including the operator or owner of the building if that
INDIVIDUAL IS NOT THE SAME PERSON AS THE OWNER OR OPERATOR OF THE
PROPOSED SMALL BOX DISCOUNT STORE, EXECUTE A COMMUNITY AGREEMENT
WITH THE ADJACENT COMMUNITIES WITHIN A 0.5–MILE RADIUS OF THE PROPOSED
SITE FOR THE SMALL BOX DISCOUNT STORE;

(4) NOTIFY THE ADJACENT COMMUNITIES WITHIN A 0.5–MILE RADIUS
OF THE PROPOSED SITE FOR THE SMALL BOX DISCOUNT STORE OF THE EXISTENCE
OF A ZONING PERMIT APPLICATION NOT LATER THAN 15 BUSINESS DAYS AFTER
SUBMISSION OF THE APPLICATION; AND

(5) ESTABLISH A MECHANISM FOR THE ENFORCEMENT OF
COMMUNITY AGREEMENTS EXECUTED UNDER ITEM (3) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That Baltimore City shall
implement the provisions of Section 1 of this Act on or before September 1, 2022.

SECTION 3. AND BE IT FURTHER ENACTED, That a small box discount store in
Baltimore City that is in existence or that has received all necessary zoning permits before
the implementation of the provisions of Section 1 of this Act shall execute a community
agreement with the adjacent communities within a 0.5–mile radius of the small box
discount store not later than 60 days after the implementation of the provisions of Section
1 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
1, 2022.